

REMARKS

Amendments to the Claims

Applicant has amended claims 103-108 and claims 112-113. Applicant contends that the claims are supported by the Specification as filed and thus do not constitute new matter.

Application of the Silverman et al. Reference

Applicant contends that the Final Office Action mailed May 15, 2006 relies on an erroneous application of Silverman et al. in support of the rejections. Specifically, the Office identifies Silverman et al.'s central system trading instruments as corresponding to Applicant's digital information blocks in portions of the rejections, yet identifies Silverman et al.'s keystation summary blocks as corresponding to Applicant's digital information blocks in subsequent portions of the rejections. *See, e.g.*, Final Office Action, page 2, fourth paragraph ("Column 2, lines 17-21 refers to a data base of trading instruments available for trade between first and second users. These trading instruments are digital information blocks stored in buffer memory. Each of the digital information blocks includes an indicia of priority, which is either a bid or an offer (See FIG. 4). . . . As seen in FIG. 5, a client keystation book only receives and displays a selected number of blocks, in comparison to the central book of FIGH. [sic] 4 which receives and displays all the blocks.").

Applicant submits that the blocks of Figures 4 and 5 of Silverman et al. are separate and distinct elements as they do not refer to the same type of information blocks. The individual bids and offers entered by a variety of users in Silverman et al. are held in a central station book. *See*, Silverman et al., Figure 4 and accompanying text. In contrast, the information presented back to an individual user in a keystation book includes only a composite of like bids or offers held in the central station book. *See*, Silverman et al., Figure 5 and accompanying text. In other words, while the central station book may hold multiple bids at a given value with individual quantities, the keystation book will only indicate that a composite quantity is requested at the given bid

value. In this manner, a user has no knowledge of the individual bids or offers made by other users.

Applicant contends that the Office cannot support a rejection of the claims by selecting a first element of Silverman et al. to correspond to Applicant's first recitation of a digital information block in a claim and selecting a second and distinct element of Silverman et al. to correspond to a subsequent recitation of a digital information block in the same claim. The Office must use a consistent correspondence of elements in order to support the rejection.

Using claim 1 as an example, if the Office identifies the trading instruments of Figure 4 of Silverman et al. as corresponding to Applicant's digital information blocks, Applicant contends that a second user cannot elect a select one of those blocks as that user is only allowed to see a summary block of Figure 5 and has no knowledge of the individual trading instruments of the central system book of Figure 4. Conversely, if the Office identifies the summary blocks of Figure 5 of Silverman et al. as corresponding to Applicant's digital information blocks, Applicant contends that these blocks are not generated by a plurality of respective first users in an order established by said first users, but are merely system-generated summaries of user-generated trading instruments. *See, e.g.*, Silverman et al., column 10, lines 40-49 ("Thus, by way of example, block 71 in FIG. 4 [sic – block 71 appears only in Figure 5] is a summary of blocks 73, 75 and 77 in FIG. 4, which shows a total quantity of 10 at the price of 138.86, and block 80 is a summary of blocks 82 and 84 in FIG. 4 which shows a total quantity of 14 at the price 138.38. Similarly, on the offer side, block 86 is a summary of blocks 88 and 90 in FIG. 4, showing a total quantity of 9 at an offer price of 139.9, and block 92 is a summary of blocks of 94, 96 and 98, showing a total quantity of 13 at an offer price of 139.70."). Furthermore, because these summary blocks are summaries of individual trading instruments, there is no associated user and thus no user can attach or alter an indicia of priority associated with a summary block in Silverman et al. If an individual user alters the price of a trading instrument within one of Silverman et al.'s summary blocks, it will merely reduce the quantity of that summary block.

In view of the foregoing, Applicant contends that neither correspondence of elements put forth in the Final Office Action satisfies each and every limitation of claim 1. Applicant further contends that the rejections of all remaining claims under either 35 U.S.C. § 102 or 35 U.S.C.

§ 103 rely on this erroneous use of Silverman et al., and that they are also improper for like reasoning.

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 3, 9, 10, 29-31, 35, 39-44, 48-58, 60-64, 70-76, 79-87, 89-93, 103-104, 106-111, 113, 125 and 127 were rejected under 35 U.S.C. § 102(b) as being anticipated by Silverman et al. (U.S. Patent No. 5,136,501). Applicant respectfully traverses.

Claims 1, 3, 9 and 10

Claim 1 recites, in part, “a select one of said digital information blocks can be elected for receipt by one of said second users responsive to said priority indicia.” Applicant contends that this language makes clear that a second user can elect a select one of the digital information blocks for receipt. The matching system of Silverman et al. provides for automatic and anonymous matching of transactions and does not purport to permit a user to elect a specific trading instrument that has been generated by one of a plurality of first users in an order established by the first users. *See*, Silverman, et al., Abstract (“A matching system for trading instruments in which bids are automatically matched against offers . . . comprising means for anonymously matching active bids and offers in the system by trading instrument based on a variable matching criteria . . .”).

As noted in the opening remarks, Applicant contends that there is no element of Silverman et al. that is an information block that satisfies each limitation of Applicant’s claim 1. As such, Applicant contends that claim 1 is patentably distinct from the cited reference. As claims 3, 9 and 10 include all patentable limitations of claim 1, these claims are also believed to be allowable. Accordingly, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and allowance of claims 1, 3, 9 and 10.

Claims 29-31

Claim 29 recites, in part, “wherein the singling out of the respective work orders provides for selecting a specific one of the respective work orders in response to a user election for

receipt.” Similar to the reasoning as applied to claim 1, Applicant contends that there is no element of Silverman et al. that is a work order that satisfies each limitation of Applicant’s claim 29. As such, Applicant contends that claim 29 is patentably distinct from the cited reference. As claims 30-31 include all patentable limitations of claim 29, these claims are also believed to be allowable. Accordingly, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and allowance of claims 29-31.

Claim 35

Claim 35 recites, in part, “wherein the system is configured in such a manner as to enable any one or more of the service providers to single out and extract a selected one or more of the work orders from the work order database in accordance with selection criteria established by the service providers and the work order package originators.” Similar to the reasoning as applied to claim 1, Applicant contends that there is no element of Silverman et al. that is a work order that satisfies each limitation of Applicant’s claim 35. As such, Applicant contends that claim 35 is patentably distinct from the cited reference. Accordingly, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and allowance of claim 35.

Claims 39-44, 48-58 and 60-64

Claim 39 recites, in part, “all of the digital information blocks can be-selectively singled out for receipt by at least one of the respective users.” Similar to the reasoning as applied to claim 1, Applicant contends that there is no element of Silverman et al. that is an information block that satisfies each limitation of Applicant’s claim 39. As such, Applicant contends that claim 39 is patentably distinct from the cited reference. As claims 40-44, 48-58 and 60-64 include all patentable limitations of claim 39, these claims are also believed to be allowable. Accordingly, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and allowance of claims 39-44, 48-58 and 60-64.

Claims 70-76, 79-87 and 89-93

Claim 70 recites, in part, “the GUI displays the graphic indicators for all offers to buy and sell and is configured to permit all of the users to visualize the marketplace, any buyer to single out any individual offer to sell, and any seller to single out any individual offer to buy.” Similar to the reasoning as applied to claim 1, Applicant contends that there is no element of Silverman et al. that is an offer to buy or sell that satisfies each limitation of Applicant’s claim 70. As such, Applicant contends that claim 70 is patentably distinct from the cited reference. As claims 71-76, 79-87 and 89-93 include all patentable limitations of claim 70, these claims are also believed to be allowable. Accordingly, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and allowance of claims 70-76, 79-87 and 89-93.

Claims 103, 104 and 106

Claim 103 is amended to recite, in part, “wherein each of the links is associated with a single one of the digital information blocks,” and “wherein a third user is presented with a list of links, and wherein the list is ordered by the computer system, responsive to the software and to the bid amounts associated with the links by the respective second users” and “wherein the list of links is configured to permit a third user to select any one of the links and, by using the selected link, to download, for viewing data contained therein, the digital information block associated with the selected link.” Applicant contends that Silverman et al. does not teach or suggest that each link is associated with a single digital information block and that a user can select any one of the links to download and view the data contained in the digital information block associated with that selected link. As such, Applicant contends that claim 103 is patentably distinct from the cited reference. As claims 104 and 106 include all patentable limitations of claim 103, these claims are also believed to be allowable. Accordingly, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and allowance of claims 103, 104 and 106.

Claims 107-111 and 113

Claims 109-111 are canceled hereby without prejudice or disclaimer.

Claim 107 is amended to recite, in part, “wherein each of the links is associated with a single electronic information block,” “wherein a third user is presented with a list of links, and wherein the list is ordered by the first user’s computer, responsive to the bid amounts associated with the links by the respective second users” and “wherein the list of links is configured to permit a third user to select any one of the links and, by using the selected link, to download, for viewing data contained therein, the electronic information block associated with the selected link.” Applicant contends that Silverman et al. does not teach or suggest that each link is associated with a single electronic information block and that a user can select any one of the links to download and view the data contained in the electronic information block associated with that selected link. As such, Applicant contends that claim 107 is patentably distinct from the cited reference. As claims 108 and 113 include all patentable limitations of claim 107, these claims are also believed to be allowable. Accordingly, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and allowance of claims 107-108 and 113.

Claims 125 and 127

Claim 125 recites, in part, “said memory further accessible for reading by each of a plurality of remotely connected second users such that a second user may selectively single out and retrieve at least one of the plurality of digital information blocks in response to that second user’s evaluation of the associated indicia of priority.” Similar to the reasoning as applied to claim 1, Applicant contends that there is no element of Silverman et al. that is an information block that satisfies each limitation of Applicant’s claim 125. As such, Applicant contends that claim 125 is patentably distinct from the cited reference. As claim 127 includes all patentable limitations of claim 125, this claim is also believed to be allowable. Accordingly, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and allowance of claims 125 and 127.

Claim Rejections Under 35 U.S.C. § 103

Claims 2, 32, 59, 77, 78, 88, 105, 112 and 126

Claims 2, 32, 59, 77, 78, 88, 105, 112 and 126 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Silverman et al. Applicant respectfully traverses.

Applicant contends that it has shown independent claims 1, 29, 39, 70, 103, 107 and 125 to be patentably distinct over the primary reference of Silverman et al. The stated reasons regarding motivation to modify the Silverman et al. fails to overcome the deficiencies of the primary reference with respect to the independent claims. As such, Silverman et al. and the official notice regarding motivation to modify, taken either alone or in combination, fail to teach or suggest each and every limitation of independent claims 1, 29, 39, 70, 103, 107 and 125. As claims 2, 32, 59, 77, 78, 88, 105, 112 and 126 include all patentable limitations of at least one of these independent claims, these claims are also believed to be allowable. Applicant thus respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a), and allowance of claims 2, 32, 59, 77, 78, 88, 105, 112 and 126.

Claims 59 and 88

Claims 59 and 88 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Silverman et al. in view of Patterson, Jr. et al. (U.S. Patent No. 5,915,245). Applicant respectfully traverses.

Applicant contends that it has shown independent claims 39 and 70 to be patentably distinct over the primary reference of Silverman et al. The secondary reference of Patterson, Jr. et al. fails to overcome the deficiencies of the primary reference. As such, Silverman et al. and Patterson, Jr. et al., taken either alone or in combination, fail to teach or suggest each and every limitation of independent claims 39 or 70. As claims 59 and 88 include all patentable limitations of at least one of these independent claims, these claims are also believed to be allowable. Applicant thus respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a), and allowance of claims 59 and 88.

CONCLUSION

Claims 103-108 and 112-113 are amended herein. Claims 109-111 are canceled hereby. Claims 1-3, 9, 10, 29-32, 35, 39-44, 48-64, 70-93, 103-108, 112-113 and 125-127 are now currently pending.

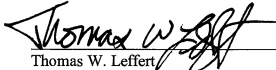
In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 501373.

Please deem this a petition for extension of time if necessary to maintain pendency of this patent application. Please charge any additional fees necessary to maintain pendency of this patent application or credit any overpayment to Deposit Account No. 501373.

If the Examiner has any questions or concerns regarding this application or response, please contact the undersigned at (612) 312-2204.

Respectfully submitted,

Date: 15 Nov 06



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